



Queensland

Workers' Compensation and Rehabilitation and Other Legislation Amendment Regulation (No. 1) 2005

Regulatory Impact Statement for SL 2005 No. 308

made under the

Workplace Health and Safety Act 1995

Title

Workplace Health and Safety Regulation Amendment – The Assessment of Authority to Work Certificates for Prescribed Occupations through the Vocational Education and Training (VET) Sector.

Introduction

Currently, provisions on obtaining an authority to work certificate to work in a prescribed occupation exist under Part 3 of the *Workplace Health and Safety Regulation 1997* (the Regulation) (see Appendix 1 for a list of prescribed occupations). The provisions require an authority to work certificate to be obtained to work in a prescribed occupation and that the assessment be carried out by an accredited provider (certificate assessor). Accredited providers (certificate assessors) are appointed by the Department of Industrial Relations (DIR).

This regulatory impact statement (RIS) proposes that the assessment of authority to work certificates in prescribed occupations be undertaken by Registered Training Organisations (RTOs), within the VET sector.

The development of significant subordinate legislation in Queensland that is likely to impose appreciable costs on the community or part of the community requires the preparation of a RIS in accordance with the *Statutory Instruments Act 1992*. The purpose of a RIS is to explain to the community the need for subordinate legislation and to set out the benefits and costs that would flow from its adoption. It also explains what alternative measures have been considered and why they have been rejected.

Background

Prior to 1994, Queensland managed a state based licensing system for the operation of high-risk equipment. The placement of a certification system in occupational health and safety (OHS) legislation is well established in all Australian jurisdictions where it is designed to reduce the incidence and effect of workplace injuries.

The need for the regulation of specified categories of plant has long been recognised in Queensland. The continuing incidence of accidents related to these classes of plant, together with the ever present risk of adverse consequences associated with operational error, has necessitated the continuance of regulation to reduce both the degree of risk and the severity of accidents.

National certification standard and guidelines

The National Occupational Health and Safety Commission (NOHSC) agreed in December 1990 to develop a competency-based national certification standard and guidelines for users and operators of hazardous industrial equipment. It was later agreed by the Premiers and Heads of Government in 1991 to achieve national uniform OHS standards for goods, occupations and dangerous goods by December 1993. The National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment was declared in 1992. At the 2001 meeting of the Workplace Relations Ministerial Council (WRMC), the Ministers decided that regulations in regards to certification can be simplified and that the OHS sector can reduce its involvement in favour of the VET sector.

The national certification standard and guidelines arose from the then Prime Minister and Premiers of Australia agreeing to remove the artificial barriers posed by varying OHS requirements, to the free flow of goods and services between states and territories. By making the certification processes consistent in all jurisdictions, the national certification standard and guidelines allow holders of national certificates to operate anywhere in Australia. It is envisaged that the national certification standard and guidelines will help promote greater productivity and competitiveness from improvements in OHS standards and reductions in workplace incidents.

Implementation of the national certification standard and guidelines has been sought to be achieved through the:

- uniform adoption of the national standard by state and territory OHS authorities as the basis for issuing certificates for equipment use and operation
- a national certification system consistent with industry training reforms involving uniform assessment arrangements, registers of certificate holders and assessors, procedures for monitoring and review of the national standard and transition arrangements for existing certificates
- the incorporation of the competencies outlined in the standard into national industry competency standards, competency based assessments and curriculum arrangements.

A joint Australian National Training Authority (ANTA) and NOHSC Transition Working Group (TWG) consisting of key stakeholders was formed late 2002 to provide advice on achieving the key outcome of 'the establishment of an agreed OHS/VET systematic "one-stop shop" approach to the training and assessment of certificated operators within the VET system'.

In order to achieve this outcome, the TWG facilitated the:

- use of a risk assessment process to identify key areas of concern that will need to be addressed in achieving this outcome
- the development and release of a consultation paper to stimulate feedback from a broader group of stakeholders during the October to December 2003 period
- public advertising and hosting of public forums in each capital city and in regional Queensland areas to discuss the consultation paper,

and provide an opportunity for stakeholders to comment on the proposed future direction, prior to development of the final report.

As a result of the feedback from stakeholders, a number of key issues were identified for consideration in developing the final transitional model. In general, the model identified in the consultation paper was broadly supported, subject to the resolution of a number of issues and more detail being included in the model.

Subsequently, a final report *Road to Transition – Improved Pathways for Operator Certification* was produced by the joint national TWG and endorsed in principle by the NOHSC and the National Training Quality Council, ANTA. The report outlines the final transitional model and provides stakeholder feedback on the key issues.

Integrating OHS skills within vocational training arrangements has also been identified as a key part of the *National OHS Strategy 2002-2012* aimed towards a national vision of 'Australian workplaces free from death, injury and disease'. NOHSC has been working to utilise a closer working arrangement with the VET system as part of contributing to the overall national OHS vision, aims and action plans.

Adoption of the national certification standard and guidelines

Based on the national standard and guidelines developed by NOHSC, state and territory OHS authorities have developed a competency based licensing system for users and operators of high hazard industrial plant. The classes of equipment covered by these national OHS certification arrangements include:

- group 1: scaffolding, rigging and dogging
- group 2: crane operation and hoist operation
- group 3: pressure equipment operation
- group 4: load-shifting equipment operation.

All governments have incorporated the competency requirements of the national standard (groups 1, 2 and 3) (known as NOHSC:1006) into their OHS regulation. However, not all states and territories require certificates of competency to operate equipment classes contained in the Load-Shifting Guidelines (known as NOHSC:7019). In Queensland, operators are required to hold a certificate for the majority of classes addressed by

NOHSC:7019. Queensland also has three specific licence classes in addition to the national standard and guidelines. For a list of Queensland certificate classes, see Appendix 2.

In Queensland, an OHS-VET Queensland reference group of key stakeholders has been established to help develop an interim transitional model for Queensland. Appendix 3 lists the stakeholders represented in the Queensland reference group.

NOHSC and the National Training Board

A 'protocol' was struck between the National Training Board and NOHSC in October 1992 to provide a strong basis for the integration of NOHSC competency standards within VET competency standards. It was agreed that:

- relevant industry competency standards submitted to the National Training Board for endorsement incorporate the competencies contained in the national standard for the users and operators of industrial equipment
- the manner of this incorporation should facilitate recognition of vocational skills and OHS requirements in the industry's national competency standard and be able to encompass the full expression of competency and workplace function requirements
- the relevant national competency standards in the industries concerned must meet the competency outcomes of the national standard for the certification of users and operators of industrial equipment as a minimum.

In addition, NOHSC and ANTA have identified the benefits of collaboration through the establishment of a Statement of Relationship in July 2002. This Statement of Relationship specifically identifies:

That through their collaboration, NOHSC and ANTA will:

- a) make a significant contribution to improving OHS outcomes in Australian workplaces and the achievement of the national OHS objective of a reduction in the incidence and cost of work-related fatalities, non-fatal injuries and work-related disease
- b) send a message to industry, both locally and internationally, that training employees to work safely is an integral part of achieving a well-trained, skilled, competent and competitive workforce.

The identified areas for collaboration recognised that the core business of NOHSC is OHS, whereas the core business of ANTA is training and assessment. One of the disadvantages of not working closely together is that both systems have been developing contemporary approaches in their core business area that are not always understood in the other system.

ANTA, the National Centre for Vocational Education and Research and other bodies have developed contemporary training and assessment approaches. This has included the development of competency standards, training packages and the Australian Quality Training Framework (AQTF).

The Australian Quality Training Framework

The AQTF evolved from the original Australian Recognition Framework (ARF) that underwent revision during 2000 and 2001. On 8 June 2001, the Australian National Training Authority Ministerial Council renamed the framework the AQTF. The name was changed to reflect the increased emphasis on quality in the national VET system.

The AQTF is the nationally agreed quality arrangements that ensure the high quality of VET services in Australia. It provides a national framework by which RTOs are registered and regulated to ensure the quality delivery of training and assessment and issuance of qualifications and statement of attainments in Australia's VET sector. The fundamental premise of the AQTF is to facilitate continuous improvement in the quality of VET. There are two sets of standards under the AQTF.

(1) Standards for Registered Training Organisations

These standards specify what a RTO must do to become registered and maintain registration such as:

- having systems in place to provide quality training and assessment across all of its operations
- complying with Australian and state or territory legislation
- having effective financial management procedures in place
- having effective administrative and records management procedures in place
- recognising the nationally endorsed qualifications issued by other RTOs

- applying the access and equity principles to provide timely and relevant information to assist its clients
- having competent staff.

An organisation wishing to become a RTO must demonstrate its ability to comply with the standards for RTOs.

(2) Standards for state and territory registering/course accrediting bodies

These standards must be followed by the state and territory training and recognition authorities when:

- evaluating training organisations to ensure they meet, and continue to meet, the standards for RTOs
- registering training organisations
- accrediting courses
- implementing mutual recognition to ensure national effect.

These standards not only strengthen and clarify the audit process undertaken by the state and territory registering body, but also support a national approach to registration. Together the two standards ensure a nationally consistent training system of high quality.

For comparisons on the differences in coverage between the AQTF's *Standards for Registered Training Organisations* and IS9001:2000, the Investors in People (IiP) quality standard and the Australian Business Excellence Framework (ABEF), see Appendix 4.

Quality Assurance through AQTF

The AQTF standards for RTOs consist of 12 standards, which comprehensively and holistically address requirements such as training and assessment systems, compliance with legislation, financial management, administration and records management, mutual recognition, access and equity, competence of RTO staff, assessments, learning and assessment strategies, qualifications, logos and ethical marketing and advertising.

In addition, the standards for state and territory registering bodies provide the basis for a nationally and transparent system for auditing RTOs, which is an improvement over the current OHS regulatory framework sought by a

number of accredited providers (certified assessors). The joint auditing of RTOs by both OHS and registering bodies is designed to reduce duplication whilst increasing the focus on each area's requirement to support an improvement in the standard and variability of standard across Queensland. This will increase the level of stakeholders' confidence that a person who has an issued authority to work will be capable of operating to the minimum standard required to achieve certification.

The AQTF offers a significant enhancement to the current system of accrediting third party providers of assessment services by the state OHS regulator. Currently, each state sets its own accreditation benchmarks and protocols which, although suited to the narrow range of activities undertaken, does not take account of the broader viability and probity matters inherent in the AQTF registration and monitoring regime. It is therefore reasonably anticipated that RTOs delivering pre-licensing training and assessment in prescribed occupations will have a more thorough understanding of learning and assessment methodologies and operate more stable and enduring business operations.

Overall, the AQTF standards are more comprehensive than the standards currently prescribed for accredited providers (certificate assessors). The AQTF requires certified assessors to meet a higher standard to become a certified assessor, providing higher quality and less variability in assessment, together with an improved focus on training and learning. Although the certification process and standard remains the same, assessments by assessors under the AQTF should improve the quality of assessments since licenses are issued by better qualified assessors. The benefit of these quality improvements is a proportional reduction in workplace incidents.

The Russell Lynch Consulting Report

The national certification standard and guidelines is currently undergoing review to modernise the standard and guideline. The major concerns involving the standard and guideline are its capability of:

- meeting the challenge of new technology and contemporary work practices
- meshing with the VET sector
- providing a clear rationale for licensing and performance measures of OHS.

The Russell Lynch Consulting Report (2004) was commissioned by NOHSC to undertake a review of the national certification standard and guidelines. Some of the review findings in the *Review of National Certification Standard and Guidelines – Final Report – November 2004* report include that:

- stakeholders continued to support the concept of a statutory licensing regime in Australia and that the statutory certification system remains the most effective method of ensuring operator competency
- the current inflexibility of the national certification standard and guidelines is a primary obstacle to its efficient and effective operation in delivering competent workers
- the issues of the relationship between the national certification standard and guidelines and the AQTF for the VET sector. The report recognises there is an opportunity for the OHS sector to seize the benefits of the significant advancements that have been made in the VET sector and to work collaboratively with that sector to achieve nationally desired goals. It proposes that the statutory licensing regime should gradually transition to the VET sector to provide stakeholders with greater awareness and level of comfort with the quality assurance process applied by the VET sector.

This proposal carries out the recommendations from the Russell Lynch Consulting report in regards to moving the assessment of authority to work certificates to the VET sector. This will ensure a higher quality assurance process will be in place (compared to the existing regime), as assessors will need to meet a higher standard under the RTO arrangement, through the AQTF.

Current legislative requirements

Queensland requires users and operators of potentially hazardous plant to hold certificates as a means of ensuring as far as possible, that there is a minimum standard for its safe use and operation. The Regulation specifies that a person has appropriate authority to perform work in a prescribed occupation if they:

- obtain an authority to work certificate
- work under supervision of a supervisor
- have recognised qualifications or experience to perform the work (i.e. authority to perform work certificate from another state).

Under Part 3 of the Regulation, a person must not perform work in a prescribed occupation unless the person has appropriate authority to perform work in the prescribed occupation. Principal contractors and employers must not allow a person to perform work in a prescribed occupation unless the person has appropriate authority. To obtain an authority to perform work certificate, the applicant needs to satisfactorily demonstrate the performance of the work before an accredited provider (certificate assessor), through a formal assessment process. Training can occur through industry learning (in-house training) or through a more structured learning pathway via industry training packages and the like.

Regardless of which learning pathway is undertaken, persons are still required to obtain an authority to work certificate from the OHS regulator (Workplace Health and Safety Queensland) in order to work in a prescribed occupation. The current regime has evolved separately to and does not recognise VET qualifications and statement of attainments.

At present, the nationally endorsed certification system, which is the basis of the Queensland legislation, only regulates the assessment process for working in a prescribed occupation but not the training process. It does not stipulate what structured or industry learning applies to obtain an authority to work certificate, only that a record of training is required. The only requirement is that the person needs to demonstrate competency when assessed by an accredited provider (certificate assessor).

Accredited providers (certificate assessors)

To be appointed as an accredited provider (certificate assessor), application is made to the OHS authority (Workplace Health and Safety Queensland). In addition to issuing the certificates, the OHS authority also uses the nationally endorsed assessment guidelines to audit accredited providers (certificate assessors) in order to ensure the integrity of the certification system and the competency of certificate holders.

To qualify as an accredited provider (certificate assessor), the applicant must demonstrate all of the following criteria. They must:

- normally hold a relevant certificate in the use and operation of the type of equipment for which the accreditation as certificate assessor is sought
- have achieved assessor competency standards or their equivalent

- have appropriate industry experience in the use and operation of the relevant equipment, and demonstrate familiarity with OHS legislation and relevant equipment-specific regulation, standards and code of practice.

Once successful, accredited providers (certificate assessors) are required to pay the OHS authority \$404.70 per group, for a term of three years. An additional fee of \$47.10 per group is also required to obtain a certificate. There are four groups of licence classes in Queensland: scaffolding, dogging and rigging; cranes and hoists; load shifting; and pressure equipment.

At present, there are approximately 420 accredited providers (certificate assessors) in Queensland. A small percentage (5%) work for an employer and provide services only for the business of that employer. Approximately 20% work for or with a RTO, and the remaining 75% of accredited providers (certificate assessors) work on a self-employed basis.

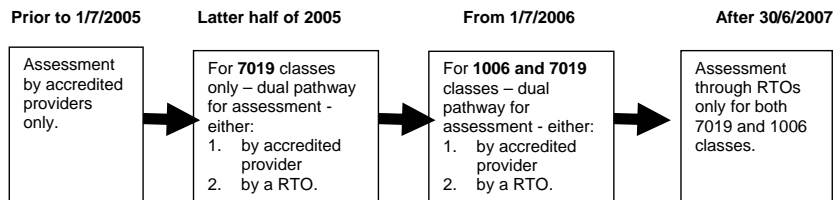
Scope of proposal

This RIS proposes that RTOs carry out the assessments for the issuing of certificates in a prescribed occupation. This is consistent with the recommendations of the Russell Lynch Consulting (2004) report. By embedding OHS competencies within the industry and VET system, it will provide a more structured and quality assessment regime since assessors are required to work under the AQTF. The proposal also provides a closer linkage between training and assessment and achieves a single, integrated learning process. This will remove the complexities, duplications and unnecessary costs associated with the current assessment framework.

The proposal provides for a transition timetable to enable accredited providers (certificate assessors) to make a transition to the VET sector around a two year timeframe, subject to their continued accredited provider (certificate assessor) status. From the latter half 2005, statement of attainments from RTOs will be accepted for the purpose of certification for NOHSC:7016 classes in addition to assessment reports from accredited providers (certificate assessors). From 1 July 2006, the remaining classes under the national standard (NOHSC:1006) will operate under the same arrangements as NOHSC:7016 classes. This means that all classes in prescribed occupations, both NOHSC:1006 and NOHSC:7016, can either be assessed by RTOs or accredited providers (certificate assessors).

After 30 June 2007, accredited providers (certificate assessors) need to fully transition to the VET system where both NOHSC:7019 and NOHSC:1006 classes are assessed by RTOs only (see Figure 1). The identified timeframe will provide sufficient time for parties to adjust to the proposed regulation and is supported by the Russell Lynch Consulting report.

Figure 1 - Proposed model timeline for transition from assessment by accredited providers (certificate assessors) to RTOs



The proposal does not introduce additional legislative provisions or put any further legislative requirements on employers than what already exists in the legislation. Proposed operators in prescribed occupations are still required to be assessed, but the assessment process will occur through RTOs. For accredited providers (certificate assessors) transitioning to a RTO arrangement, there will be a requirement that the assessors meet a higher standard of assessment quality through the AQTF.

It is acknowledged that there are many facets and issues involved with the national certification standard and guidelines, which is currently undergoing national review. This RIS does not address all of these issues but focuses on the movement of the assessment regime for working in a prescribed occupation from accredited providers (certificate assessors) to the VET sector. However, moving the delivery of assessment within the VET system will create a closer linkage between training and assessment. In addition, this movement will facilitate any future movements aimed at aligning training in the recognised mainstream training framework.

Self-erecting tower crane operation

A separate and more minor amendment involves the operation of a self-erecting tower crane, which is currently addressed by the prescribed

occupation of tower crane. This means that self-erecting tower crane operators need to complete an assessment on a tower crane to comply with the current regulations. The self-erecting tower crane is a newer piece of technology that was not covered in the original assessment for tower cranes. However, there is a significant difference between the operations of a self-erecting tower crane and a tower crane.

Accordingly, the proposal provides a separate provision for self-erecting tower crane operators from the latter half 2005 and a new prescribed occupation of 'operator of a self-erecting tower crane' will be added to Schedule 5 of the Regulation. Self-erecting tower crane operators will still need to be assessed, but the assessment will be carried under self-erecting tower crane requirements instead of tower cranes. This allows a more relevant assessment to be undertaken and ensure that competency is achieved.

The proposal will impose some costs on applicants, as two certificates would be required to operate both tower and self-erecting tower cranes. However, the implications are expected to be minimal as only a small number of operators will require both certificates. In addition, the added benefit that operators will be correctly trained and assessed for the operation of self-erecting tower cranes exceeds the costs associated with the assessment requirements.

Authorising law

Section 38 of the *Workplace Health and Safety Act 1995* (the Act) provides the head of power for making of a regulation. Section 38(2) (a) of the Act provides that a regulation may deal with matters of an administrative nature. The proposed changes in the methodology in obtaining an authority to work will be enacted under this provision of the Act.

Policy objectives

The overarching policy objectives of the proposal are to improve OHS outcomes by preventing or minimising exposure to workplace health and safety risk. In particular, the proposal seeks to improve assessment quality and achieve national consistency.

The underlying reasons for the proposal are to:

- remove duplicative requirements in the VET and OHS systems
- provide greater transparency between the roles of training and assessment regulator and licensing regulator
- provide a closer connection between training and assessment and to encourage a better and more structured form of training
- give effect to some of the recommendations from the *Road to Transition – Improved Pathways for Operator Certification* report, as well as the direction originally identified by OHS authorities in establishing the national certification arrangements in 1992.

Legislative intent

The proposal achieves the policy objectives by furthering and improving certification standards in prescribed occupations. The quality of assessments will be improved under the proposal by requiring that the assessment of authority to work certificates for prescribed occupations be undertaken by RTOs within the VET sector. Certified assessors operating under the RTOs' AQTF will be better qualified to carry out assessments. This will help ensure only competent persons work in a prescribed occupation and help prevent or minimise OHS risk.

The proposal is also consistent to the agreed national certification standard and guidelines and ensures a stronger basis for national uniformity in skill formation and transportability. It keeps the existing classes of work and agrees to move the assessment process into the VET sector.

As previously mentioned, the current regime has evolved separately to and does not recognise VET qualifications and statement of attainments. By integrating the assessment processes within the VET sector, a single user/operator assessment certification system will be achieved and help remove duplications between OHS and training authorities.

Transparency in the training and assessment process will also be enhanced as the licensing authority (Workplace Health and Safety Queensland) will be separate from the training and assessment regulator (Training Division, DET). As each agency will be pursuing their core business and areas of expertise, it is expected overall a more robust, transparent and flexible system should emerge.

The proposal will align training and assessment in the recognised mainstream training framework. This will provide a closer link between training and assessment. Through RTOS, the proposal will increase stakeholder involvement and responsiveness in the development of OHS skills. It recognises the strong role and ownership of industry in continuously developing competency standards to meet both OHS and industry requirements.

The proposal is considered reasonable and appropriate since it achieves the policy objectives and the benefits associated with the proposal exceed the costs imposed.

Consistency with authorising law

The objective of the *Workplace Health and Safety Act 1995* is to prevent a person's death, injury or illness being caused by a workplace, workplace activity or specified plant. The objective is achieved by preventing or minimising a person's exposure to workplace risks posed to themselves, others in the workplace or members of the public by incompetent performance of high-risk tasks.

The proposed regulation amendment supports the requirements of the Act because it seeks to provide a better, more structured and quality assessment regime for the use of hazardous equipment and the performance of high-risk tasks. Transferring the assessment process to a specialist training and assessment framework will lead to better assessments since assessors operate at a higher standard within the AQTF. This will help ensure that assessors are competent and that only qualified operators are licensed in order to prevent or minimise the exposure to workplace risks. The proposed regulation will provide a closer connection between training and assessment and as result, promote a better-structured and quality form of training. Hence, the proposed subordinate legislation is consistent with the authorising law.

Consistency with other legislation

The proposed regulation is not inconsistent with any other Queensland legislation.

The Queensland Government is a signatory to the national VET system through the ANTA Ministerial Council. The effect of this is that the Government has agreed to the methodology for the approval of training packages for endorsement at the national level by ANTA and for subsequent adoption at state level. In addition, it has agreed to national principles to be applied in the accreditation of courses at the state level, which will then be able to be accessed nationally.

Through NOHSC, the Department is working with interstate authorities towards consistent alignment with the VET system. This proposed regulation will enable the implementation of recommendations arising from the ANTA-NOHSC joint report *Road to Transition – Improved Pathways for Operator Certification*. This report has been subsequently endorsed in principle by the National Training Quality Council, ANTA and NOHSC.

Accordingly, the proposed regulation will have the additional benefit of aligning and clarifying respective roles between the provisions of the Workplace Health and Safety Act and the Vocational Education, Employment and Training Act.

Fundamental legislative principles

The *Legislative Standards Act 1992* outlines fundamental legislative principles that require legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament. The proposed regulation has sufficient regard for these principles and is therefore consistent.

Proposed option and other alternatives

Consideration has been given to a number of options for achieving the desired policy objectives as follows:

- Option 1 No intervention - maintain status quo.
- Option 2 No regulation to support the issuing of a certificate to work in a prescribed occupation.

Option 3 Amendment of the regulation to allow assessments of certificates in prescribed occupations to be undertaken by RTOs (**preferred**).

Each of these options is discussed below in terms of their costs and benefits.

Options 1 and 2 have been eliminated in favour of Option 3 as this option is deemed to be the most appropriate and effective means of achieving the policy objectives.

Costs and benefits

Option 1: Maintaining status quo

To maintain the status quo is to maintain the current situation where:

- a person must not perform work in a prescribed occupation unless the person has appropriate authority to perform
- assessments of authority to work certificates in prescribed occupations continue to be carried out by accredited providers (certificate assessors) accredited under the provisions of the *Workplace Health and Safety Act 1995*.

Costs and benefits of Option 1

The advantage of Option 1 is that it imposes no additional financial, administrative or other costs on the industry, business or community. Employers will continue to decide the best way to train employees to operate potentially hazardous equipment and in the performance of high-risk tasks in prescribed occupations. The existing regime of assessors operating in a highly prescriptive environment outside of the national training framework will continue.

The disadvantage of Option 1 is that it fails to meet the policy objectives. It does not meet or address the problems identified with the national certification standard and guidelines agreed by the Premiers and Heads of Government. Although Queensland has incorporated parts of the national certification standard and guidelines into its legislation, more still needs to

be done to achieve the objectives. In addition, maintaining the status quo will not support the future directions identified in the ANTA-NOHSC report.

Maintaining the status quo will not remove the duplications between OHS and VET authorities and fails to achieve an integrated operator assessment certification system. Option 1 does not address the opportunity cost or forgone opportunity in maintaining separate certification assessments separate from the mainstream industry competencies established through the VET system. The direct cost of separate assessment approaches is the resources used by both OHS and VET systems in duplicating the same service development of resources. In addition, the duplicative auditing of assessment outcomes in the same industry areas increase the compliance cost where industry and organisations operate across both systems.

However, by far the biggest detriment is maintaining a system that allows a mindset for separate treatment and perception of OHS performance as inferior and subservient to overall industry skills delivered through the VET system. A NOHSC (1999:28) issues paper related to general OHS training identified that 'OHS is perceived as peripheral to economic factors driving business change (include technology, working arrangements, downsizing, etc) and development'. The only way to change this mindset is by integrating OHS standards within mainstream training standards, so that operating to the required safety standards is part and parcel of operating to established industry standards. In addition, there are inherent limitations in promoting strategies to reduce accidents and injuries since OHS certification competencies remain isolated from the mainstream VET system and industry requirements.

The certification system is one component of achieving the aims of the national OHS strategy. A continuing isolation from the mainstream VET system as part of a status quo approach may further marginalise OHS certification skills in terms of relevance and ownership by industry as well as remaining separate from the larger specialist and better resourced mainstream VET system.

Therefore, Option 1 is not supported as it fails to meet the policy objectives.

Option 2: No regulation to support the issuing of an authority to work certificate in a prescribed occupation

Option 2 proposes that there is no regulatory requirement to obtain an authority to work in prescribed occupations. This means there will be no minimum standard established for people operating potentially hazardous equipment and performing high risk tasks besides the overarching legislation in the *Workplace Health and Safety Act 1995*. Under Division 2 of the Act, employers and principal contractors have an obligation to 'provide information, instruction, training and supervision to ensure health and safety'.

Costs and benefits of Option 2

Applicants – workers and employers

The benefit of Option 2 is that the industry is no longer required to employ people who hold an authority to work certificate. It is estimated that an average of 46,000 authority to work certificates are issued in Queensland each year at a cost of \$47.10 per certificate. Hence, no regulatory requirements to work in prescribed occupations will save employers and workers approximately **\$2.19 million** annually in licence fees.

Furthermore under the current regulation, to obtain an authority to work certificate the applicant needs to be assessed by an accredited provider (certificate assessor). Without requirements for authority to work certificates, employers and workers no longer need to be assessed by an accredited provider (certificate assessor) to work in a prescribed occupation. Table 1 shows the estimated cost of assessments currently charged by accredited providers (certificate assessors) for each group. The average annual number of authority to work certificates applied each year by group is outlined in Appendix 5. In total, workers and employers are estimated to save **\$7.40 million** per annum due to no assessment requirements.

Table 1 - Average cost of assessments for prescribed occupations by groups

<i>Group no.</i>	<i>Occupations</i>	<i>Cost range</i>	<i>Average cost</i>
Group 1	Scaffolding, rigging and dogging	\$250 - \$320	\$285
Group 2	Crane operation and hoist operation	\$200 - \$250	\$225
Group 3	Pressure equipment operation	\$300 - \$500	\$400
Group 4	Loadshifting equipment operation	\$100 - \$150	\$125

Workers taking time off work to undertake the assessment also incur the cost of loss of productivity. That is, instead of undertaking the assessment, the worker could participate in more productive activities. An assessment is estimated to take an average of six hours, at an average wage of \$13.10 per hour. Hence, the loss of productivity as a result of participating in an assessment is \$78.60 per assessment.

Not all of the assessments undertaken have associated productivity costs. Approximately 30% of authority to work certificates are applied by those unemployed or hoping to enter the industry. Hence, there is no productivity cost associated with this group. Therefore, the total savings from loss of productivity is estimated to cost employers **\$2.56 million** per annum.

The cost of the loss of productivity is likely to be much higher in a number of circumstances as \$13.10 is based on the part-time hourly rate for a Store worker 1 (on commencement) under the *General Stores, Warehousing and Distribution Award – State 2002* applying for the Southern Division Eastern District. This is relevant for a person training to operate a forklift and is one area with a high number of annual certification issued. However enterprise agreements, higher classified workers and regional rates would place on upward pressure on the cost of participating in the assessment. In addition, other operators in other certificated areas would be subject to different awards and higher wage rates.

On the other hand, one of the benefits of the licensing system is the cost effective and efficient matching of resources. Without licenses issued, employers would otherwise be required to undertake time consuming and expensive procedures to assess the skills and competencies of potential operators. Data on the associated search costs and the number of people entering or hired in the industry each year is not available. However, based on a Victorian RIS on certification, search costs incurred by employers are estimated to be approximately \$500 per employee (Victoria OHS Authority

1994). To estimate the number of people hired each year, the only feasible method is to gauge from the number of licenses obtained for employment purposes (unemployed persons) and assume that they will be employed at some stage. This however, does not take into account that some may not be employed and those who change occupations or industries. Under these assumptions, the total cost for employers is estimated at **\$6.98 million** per annum.

If there is no regulation to support the issuing of authority of work certificates, people leaving Queensland would not be able to rely on the provisions of the mutual recognition when moving to another state. This means that employers/workers may need to pay additional licensing or certificate fees. It is difficult to accurately determine the number of people moving interstate each year for work-related purposes in relation to prescribed occupations.

According to the latest data from the Australian Bureau of Statistics, 27.4% of the population over 18 years of age indicated that they are likely to move, with 20% moving for work-related purposes (ABS Cat. 3237.3). Although this is unlikely to accurately reflect the true nature of employment movement in the industry, it is the only data available. Assuming that the cost of obtaining a license in other states and territories is similar to Queensland (\$47.10) and that 5.5% of people holding a certificate will travel interstate to work, this is estimated to cost workers and employers around **\$0.39 million** each year.

Accredited providers (certificate assessor)

Under Option 2, accredited providers (certificate assessors) will no longer be required, as operators in a prescribed occupation do not need to hold an authority to work certificate to work in a prescribed occupation. At present, an accredited provider (certificate assessor) is employed either as:

- a independent accredited provider (certificate assessor)
- an accredited provider (certificate assessor) with an existing RTO
- an accredited provider (certificate assessor) for an organisation.

Adopting Option 2 will mostly affect accredited providers (certificate assessors) working independently as a small business. Accredited providers (certificate assessors) working for an existing RTO or employed in an organisation will most likely remain employed in their current arrangements. Assuming that independent accredited providers (certificate

assessors) will be unemployed for a certain period of time before gaining employment, this is estimated to cost the community an estimated **\$1.07 million** in welfare payments. In addition to the financial costs, there will also be social costs involved with being unemployed, which is difficult to cost.

The current regulation requires accredited providers (certificate assessors) to pay a registration fee of \$404.70 per group and \$47.10 for a certificate of appointment per group to become an accredited provider (certificate assessor). In 2004, there were 424 accredited providers (certificate assessors), holding an estimated two groups of assessment each. Under Option 2, accredited providers (certificate assessors) will no longer be required to pay a registration and certificate of appointment fee, saving accredited providers (certificate assessors) approximately **\$0.13 million** per annum (or an annual saving of around \$300 per accredited provider (certificate assessor)).

The regulator

Without any regulation to support the issuing of authority to work certificates, the direct cost to the Government will be the loss in authority to work certificate fees and registration fees paid by accredited providers (certificate assessors). Under Option 2, the direct cost to the Government is estimated to be \$2.19 million in authority to work fees and \$0.13 million in accredited providers' (certificate assessors) registration and certificate fees, a total cost of **\$2.32 million** per annum.

A period of uncertainty may follow for the industry to adjust to their obligation requirements in the absence of a prescriptive minimum standard. This might require an increased audit presence by Workplace Health and Safety Queensland inspectors to ensure the industry is meeting their requirements. This increased presence may include additional indirect costs for employers in terms of employee/manager time and the opportunity cost to the enterprise of the increased audit activity.

At present, there are six personnel from DIR assigned to manage certification for prescribed occupations. It is estimated that Option 2 will require more staff to carry out audits and monitor the compliance of obligation holders with provision of training. This is expected to increase costs by **\$0.125 million** per annum.

A benefit of Option 2 however, is the removal of duplicative costs and complexities within the current regime for government, industry and

training organisations. Industry will no longer be required to meet the different standards required from OHS and VET authorities to obtain authority to work certificates.

No minimum standards

Adoption of Option 2 however, has other major associated disadvantages. One of the foremost being that no minimum standard is established for persons operating high-risk equipment. Although this option reinforces the broader OHS obligation and provides stakeholders greater flexibility in demonstrating compliance, it also creates uncertainty for the industry. That is, obligation holders will need to identify ways to meet their obligations under the Act, which states that employers and principal contractors have an obligation to 'provide information, instruction, training and supervision to ensure health and safety'.

It may also create uncertainty in the initial period for businesses in terms of how to demonstrate they have met their obligation. The need for certainty is considered particularly important for small businesses, which may not have the knowledge or the infrastructure to train and assess the competence of labour working in prescribed occupations.

Without minimum standards, it is likely that an increase risk in workplace injuries and illnesses would occur. At present, the requirement for an authority to work certificate ensures that some form of training and assessment is required and that a level of minimum competency for the safe use and operation of high risk equipment and performing high risk tasks is achieved. Not prescribing minimum competency standards would mean employers determine the level and type of training provided. The industry may voluntarily make greater use of VET since employers can customise and target training to the needs of the enterprise. However, the findings of an ANTA research report (Quay Connection 2000:5) which examined employer attitudes to training identified that 19% of employers were 'not interested' in training. This segment values training less than other employers and sees training of casual and part-time staff as less important.

The level of training provided to potential operators represents a major concern, as training is considered vital in the safe operation of high-risk equipment and performing high-risk tasks in prescribed occupations. There have been some indications that 'operator error' has been the primary cause of several incidences in prescribed occupations and that training is important in reducing 'operator error'. New South Wales suggests that some 90% of claims involving pressure equipment, scaffolding, forklift

trucks and crane and hoist operation were related to operator error (Victoria OHS Authority 2004). In the ACT, operator error has also been identified as the primary cause of five incidents involving cranes (ACT WorkCover 2004). Unfortunately, there is no data that indicates the level of 'operator error' in workplace accidents in Queensland. However, it is likely that Queensland will be indifferent to the experiences from NSW and the ACT.

This example demonstrates the importance of training in regards to working in a prescribed occupation and ensuring there is some minimum standard and level of training achieved. Should there be additional accidents due to no specific regulation there would be a range of direct and indirect costs (see Appendix 6 for a list of indirect costs).

Workplaces injuries and illnesses performance

Workplace accidents and diseases impose significant costs on businesses. For small businesses particularly, workplace accidents can have a major financial impact. However, workplace accidents and diseases can also lead to costs for society as a whole. The model below outlines some of the parties involved and how these costs are passed on. The Industry Commission (1995) estimates that:

- employers bear about 40 per cent – costs include workers' compensation, loss of productivity, and overtime
- injured workers bear about 30 per cent – costs include loss of income, pain and suffering, loss of future earnings, medical costs and travel costs
- the community bears about 30 per cent – costs include social welfare payments, medical and health costs, and loss of human capital.

Findings by the Russell Lynch Consulting (2004) report provide support for maintaining a certification standard in Queensland. According to the report, from the period prior to the introduction of the certification standard in Queensland in 1994 to the period up to 2002-03, the rate of compensation claims for all other claims (not relating to agencies covered under the standard and guideline) per 100,000 employees has fallen by 30%. During the same period, the incidence rates for claims relating to agencies covered under the standard and guideline have all fallen by a level greater than 30%, except for forklifts. Table 2 outlines the incidence rates for each of the agency group in prescribed occupations.

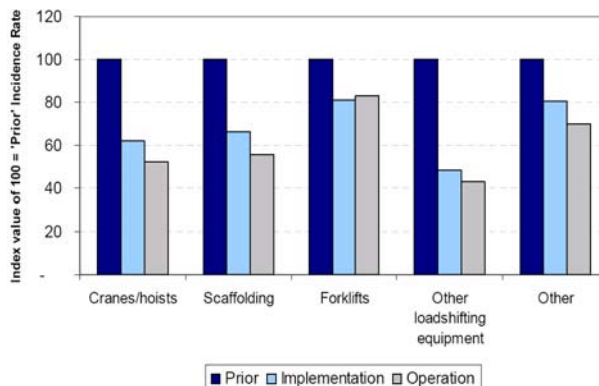
Table 2 - NDS incidence rates (per 100,000 employees), Queensland

<i>Agency</i>	<i>Prior</i>	<i>Operation</i>	<i>% Change</i>
Cranes/hoists	11.3	5.9	-48%
Scaffolding	15.7	8.8	-44%
Forklifts	16.3	13.5	-17%
Other load-shifting equipment	12.2	5.3	-57%
All others	2,930	2,039	-30%

Source: Russell Lynch Consulting Report (2004)

Figure 2 shows the incidence rates for each of the agency groups in the prior, implementation (three-year period) and operation stages of the national certification standard and guidelines. Decreases in the incidence rates can be witnessed in all groups, except for forklifts. The incidence rates for all agency groups relating to the standard and guideline (except for forklifts) is also noticeably lower compared to 'other', which refers to the rate for all other claims not related to the agencies covered by the standard.

Figure 2 - Index of NDS claim incidence rates – prior, implementation and operation of the national certification standard and guidelines, Queensland

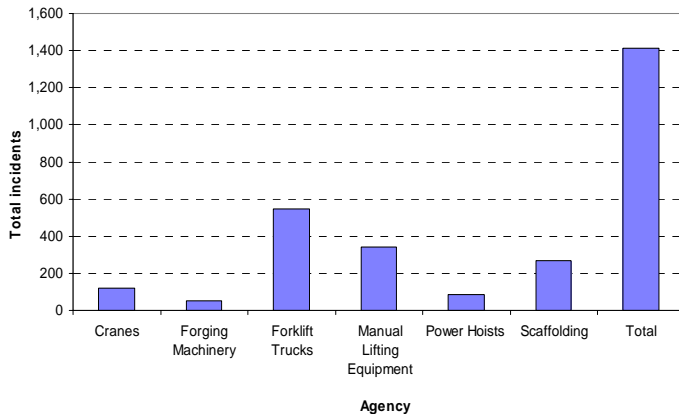


Source: Russell Lynch Consulting Report (2004)

Workers' compensation claims

In Queensland, there were 1,410 claims associated with scaffolding, pressure equipment, forklift trucks and cranes in 2003-04 (see Figure 3). The direct cost (worker's compensation) of these injuries and fatalities was **\$3.53 million** and neglects the indirect costs such as pain and suffering. Studies have estimated that indirect costs of workplace injuries and illnesses in Queensland are about seven times the direct costs, putting the total cost of workplace incidents for these classes of work in 2003-04 at **\$24.7 million** per annum (Mangan 1993). Hence, the potential impact of workplace injuries, illnesses and deaths are a significant cost to industry and government.

Figure 3 - Number of claims in prescribed occupations, 1999-00 to 2003-04



Source: QEIDB

Accordingly, Option 2 (no regulation) is considered ill-advised to manage the risks of working in high risk prescribed occupations. It does not meet the policy objectives and does not follow the national certification system. Furthermore, having no minimum standards for the operation of high-risk equipment and the performance of high risk tasks is likely to see an increase in workplace health and safety risk and have associated costs on the workers' compensation system and the community in general.

Data provided from the Russell Lynch Consulting report indicates that OHS performance has significantly improved after the introduction of the national certification system. Therefore, the adoption of Option 2, which

proposes that there is no regulation to support the issuing of licenses, would likely see a reverse in OHS performance for prescribed occupations. Furthermore, the cost of workers' compensation claims (including indirect cost) relating to these workplace accidents far exceeds the benefits provided under Option 2. Hence, this RIS does not recommend Option 2.

Option 3: Proposed regulation - assessment of authority to work certificates in prescribed occupations within the VET sector

The proposed regulation under Option 3 sets to create a single assessment regime for operators of high-risk equipment in prescribed occupations. Option 3 proposes to integrate OHS assessment requirements into the VET sector where assessments will be carried out by RTOs instead of accredited providers (certificate assessors) (current arrangement). Through the AQTF, the movement to RTOs will provide a closer link to well established training and assessment protocols and offer a better quality, more structured and transparent assessment regime. This will allow statement of attainments gained from RTOs to be recognised and potentially allow credits to be obtained towards other competencies. In addition, Option 3 would also remove the unnecessary duplicative costs and complexities within the current regime. However, it is noted that Option 3 does not introduce new training legislative requirements or other additional legislative provisions to the industry.

The proposal also provides an approximate two year timeframe for parties involved to adjust to the proposed regulation (see Figure 1 for the proposed timeframe).

The migration to an already established nationally consistent training framework is a positive policy development that better enables and supports nationally consistent adoption in each state/territory OHS jurisdiction. Some accredited providers (certificate assessors) have identified the business benefits of transitioning to the VET system to reduce their reliance on a narrow base of government regulated certification assessments.

By intervening to further certification standards in prescribed occupations, the possible benefits of effective workplace health and safety interventions include:

- significant reductions in the human cost to individuals, families and the community caused by workplace deaths, injuries and illnesses
- significant reductions in the financial burden on individuals, families and the community caused by workplace deaths, injuries and illnesses
- significant reductions in the burden on the worker's compensation scheme caused by workplace deaths, injuries and illnesses, which in turn increases costs imposed on industry
- significant reductions in the financial burden on the public health system for the treatment of workplace incidents
- significant reductions in costs for stakeholders such as insurance companies, customers, other companies and shareholders.

Self-erecting tower cranes

The operation of a self-erecting tower crane is currently addressed by the prescribed occupation of tower crane. However, there is a significant difference between the operation of a self-erecting tower crane and a tower crane. Option 3 proposes that a provision will be introduced, which would require self-erecting tower crane operators to undertake a more relevant assessment from the latter half 2005. Self-erecting tower crane operators will need to obtain a statement of attainment from a RTO showing approved units of competency as evidence of meeting this regulatory requirement.

It is relevant to note that the proposed regulatory amendment is intended to address only the assessment of prescribed occupations through the VET system and does not extend to a range of issues currently before NOHSC and ANTA about the nature of any augmented training and the role of training packages. The proposed regulation will provide for the recognition of statement of attainments or qualifications from RTOs as a basis for issuing certification by WHSQ. This regulation will not change the types of high-risk specified equipment for which certification will be required in Queensland. The current review by NOHSC in relation to the national certification system will require future consideration by Queensland at a later stage.

Cost and benefits of Option 3

Applicants - workers and employers

Under Option 3, workers are still required to pay \$47.10 (the current fee) to obtain an authority to work certificate. However, under this option applicants pay assessment fees to RTOs instead of accredited providers (certificate assessors). As the fees charged by RTOs are market driven, it is difficult to determine what the fees will be under Option 3.

Consultation held with some existing RTOs has suggested that the assessment costs are likely to remain the same under both systems (Options 1 and 3). Therefore, it is estimated that there will be no additional assessment costs for obtaining an authority to work certificate.

Integrating the OHS assessment system into the VET sector will provide savings to some potential applicants. Currently, some applicants who are trained and assessed by RTOs need to be reassessed by accredited providers (certificate assessors) to obtain an authority to work certificate. Once again, it is difficult to determine how many applicants incur reassessment fees. However, it is estimated that 30% or 13,962 of licenses are applied by unemployed persons who are likely to require some sort of training mainly through a RTO. As not all RTOs have accredited providers (certificate assessors) working in their organisation, assessment carried out by these RTOs will need to be reassessed by an accredited provider (certificate assessor). It is estimated that approximately 25% to 50% of these applicants will need to be reassessed. Based on a conservative estimate that a quarter (25%) of these will need to be reassessed, this is estimated to provide a saving of **\$0.55 million** per annum.

Accredited providers (certificate assessors)

Under Option 3, assessments are carried out by RTOs instead of accredited providers (certificate assessors). However, unlike Option 2, which does not require assessments of operators working in prescribed occupations, Option 3 allows existing accredited providers (certificate assessors) to continue to conduct assessments, but through a RTO arrangement.

Option 3 prescribes a superior standard of assessment quality since certified assessors are required to work under the AQTF. Certificate assessors working under Option 3 will need to have the required VET assessor competencies, be able to demonstrate relevant vocational

competencies and hold relevant certification. This is similar to the current requirements for accredited providers (certificate assessors), though the current system also requires them to be qualified Workplace Health and Safety Officers. However, the certificate assessors as part of the RTO will have to follow the requirements under the AQTF, which focuses on the continual improvements to the quality of assessments and the operation of the training and assessment approach. In addition, ongoing professional development for trainers and assessors to maintain relevance is a key component of the AQTF.

While these 'entry requisites' for RTOs are similar to those currently existing for accredited providers (certificate assessors), the ongoing performance improvement, viability and probity stipulations on RTOs are considered superior to those existing for accredited providers (certificate assessors). As it is the RTO's responsibility to ensure that certificate assessors comply with the AQTF, the cost of providing higher standard of assessments should not represent a financial cost to certificate assessors but be included in the cost of the RTOs.

The current system requires accredited providers (certificate assessors) to be separately registered with Workplace Health and Safety Queensland. Under the proposed regulation assessors will not be required to be separately registered with WHSQ as they will be subject to the requirements of the RTO under the provisions of the AQTF. A joint WHSQ/DET audit program will be established to address the requirements of both the OHS and VET system. This will remove the current duplication that exists between the OHS and VET systems.

As this movement has been suggested and known to accredited providers (certificate assessors) for several years, it is anticipated to be sufficient time for existing accredited providers (certificate assessors) to transition to the new arrangements. Furthermore, the proposed timeframe would give accredited providers (certificate assessors) further time to make the necessary changes and the timeframe is supported by the Russell Lynch Consulting report.

Under Option 3, accredited providers (certificate assessors) can either:

- become a RTO
- be employed to a RTO
- be in partnership with a RTO
- leave the industry.

Becoming a RTO

There are costs involved in becoming a RTO, which range from registration and renewal fees, to compliance and infrastructure costs. The costs are:

- *Registration fee:* \$1,200 for one scope for a five year period. Additional scopes can be obtained for an additional fee of \$300 per scope. It is assumed that most RTOs will have one scope. This fee will be paid instead of \$404.70 for the registration fee and \$47.10 for the certificate for each group for a three year period.
- *Annual Service Fee:* \$165 annual service fee.
- *Establishment of AQTF and policies:* To become a RTO, the accredited provider (certificate assessors) or potential RTOs needs to establish policies for a quality training and assessment framework. It is difficult to predict what the cost would be for potential RTOs as the level of resources or handbooks they currently possess will influence the costs of establishing these policies. In addition, accredited providers (certificate assessors) can choose to have the AQTF developed by a consultant or by themselves. It is estimated that fees for a consultant to develop the AQTF would be approximately \$4,000, assuming that they have the learner resources and assessments already done. This is expected to be a one-time cost, where updates to the framework can be done gradually done by the potential RTOs for continuous improvement.
- *Accredited Courses:* To carry out assessments, RTOs will need to purchase accredited courses. This is estimated to cost around \$160 per course, with additional courses costing an extra \$160. It is expected that one course will be sufficient, with the option of up to three courses.

Comparatively under the current system, accredited assessors (certificate assessors) are paying registration and certificate fees equivalent to \$1506 for a five-year period (assuming they hold an average of two classes). This is slightly lower than the registration and annual service fees required under Option 3 (\$1200 in registration plus \$825 in annual service fee – five year period). An additional cost that accredited providers (certificate assessors) will incur in becoming a RTO is the cost of establishing the AQTF and the assessment courses and packages. The initial one time cost is expected to be \$4160 (includes cost of consultant developing quality framework and one accredited course). The RTOs are expected to regularly update and continuously improve the quality framework.

Employed by RTO

Another option for an accredited provider (certificate assessor) is to be employed by a RTO. This is the least costly option for current accredited providers (certificate assessors). Under this option, accredited providers (certificate assessors) would save \$900 (including registration and certificate fee) every three years, assuming that they hold an average of two groups. Accredited providers (certificate assessors) are not expected to incur any financial costs as the RTO employing the accredited provider (certificate assessor) would be liable for all the costs of being a RTO.

Those who are currently employed by a RTO are likely to remain in their current arrangements. Under Option 3, these accredited providers (certificate assessors) will save \$451.80 (including registration and certificate fee) per group every three years. This is expected to save the industry **\$0.025 million** each year or \$300 per accredited provider (certificate assessor).

It is expected that the overall market for assessments of prescribed occupation will remain the same and that current experienced assessors would be a valuable human resource for RTOs. In addition, it may provide the opportunity for the assessor to expand their experience from certificated areas to other areas of industry training.

Partnership with RTO

Instead of becoming a RTO, accredited providers (certificate assessors) could enter into a partnership arrangement with a RTO. A partnership arrangement is subject to a written agreement between the parties for their mutual benefit to share resources, effort, time, cost, responsibility and expertise. Under a partnership arrangement, the RTO will always be responsible for:

- quality assuring the assessments conducted on the RTOs behalf
- issuing the AQTF qualification and/or statement of attainments
- ensuring compliance with the AQTF.

If the accredited provider (certificate assessor) chooses to work with a RTO, their costs will be reduced as the RTO is already established. However, a partnership with a RTO will be more expensive compared to being employed by a RTO. The benefit of this option is that it provides accredited providers (certificate assessors) without sufficient capital to establish

themselves as a RTO. It also provides them with time to develop their quality system.

It is difficult to establish the costs of partnering with an existing or new RTO as the fees charged by RTOs will differ among organisations. Accredited providers (certificate assessors) partnering with a RTO will not be required to pay registration fees and other associated costs as this is covered by the RTO. The accredited provider (certificate assessor) however, may need to pay a small fee to the RTO to cover the registration fee and access to the accredited courses. It is assumed that this cost is comparable to the costs paid for registration and certificates under the current system. Accredited providers (certificate assessors) may also be required to pay RTOs for administration fees to cover the processing of the certificate. However, this is not an additional cost to the industry since the administration would have been carried out by accredited providers (certificate assessors) under the existing system. That is, accredited providers (certificate assessors) could pay the administration fee to the RTO instead of undertaking the process themselves.

Another possibility is that the accredited provider (certificate assessor) could pay the RTO a fee charged at a pro-rata rate to access the accredited courses and administration services by the RTO. The estimated cost ranges from \$30 to \$50 per person.

Exit the industry

Under Option 3, there is a possibility that some accredited providers (certificate assessors) may leave the industry. This represents both costs and opportunities to the industry. One of the costs is industry could lose some valuable and qualified assessors who may chose to exit the industry. If some accredited providers (certificate assessors) remain unemployed, there may also be a cost to the society and community in terms of unemployment costs, both financially and socially. As it is difficult to predict how many will leave the industry, it is hard to quantify the costs of unemployment to the community. However, it should be noted that the age demographic is mature with many providers becoming assessors after a long stint as an operator of the equipment they now assess.

On the other hand, one of the benefits of Option 3 is that some poorer quality assessors may leave the industry. As the registration and performance maintenance requirements will be perceived as too onerous or as exposing weaknesses in their current methodology, this would be a benefit to the overall system. In addition, this will help reduce workplace

incidents since better assessments through more qualified assessors will assist in ensuring that only competent operators work in a prescribed occupation.

The overall implications of Option 3 on accredited providers and certificate assessors are expected to be minimal. For a small group of accredited providers (certificate assessors) (approx. 100 as a minimum estimate), the cost is expected to be more substantial due to the initial costs of developing the AQTF. This cost of developing the AQTF for the industry is estimated at **\$0.42 million**. The additional ongoing cost to become a RTO is estimated at approximately \$105 per year or **\$10,500** for the industry. The remaining accredited providers (certificate assessors) are expected to incur some financial benefits or the costs are estimated to be comparable to the current system. A saving of **\$25,000** per annum is estimated from no registration and certificate fees paid by those already employed by a RTO.

The regulator

Additional auditing will be required for the transition process under Option 3. More auditing and monitoring would be required to ensure a smooth transition between systems. It is expected to cost an additional **\$0.19** million per year, for the years between the latter half of 2005 and June 2008 (including one year after the system has been fully implemented). Once the transition has been completed, it is expected the level of auditing will remain constant at the current level or slightly decline since the VET sector will have their own auditing procedures.

A Memorandum of Understanding will be established between DIR (Workplace Health and Safety Queensland) and DET (Training Division) to support a collaborative approach to the audit of RTOs. It is intended that this will facilitate a shift from the current situation where the OHS and training regulator conduct separate audits and manage separate audit frameworks. This will be replaced by an integrated audit approach where the OHS regulator would participate in RTO audits as a technical expert. This will enable both VET and OHS requirements to be addressed in a consistent manner with the same audit process. It has been identified that it will be important that some training will be undertaken by audit staff to maximise the benefits of an integrated approach.

Under Option 3, the authority to work fees paid by applicants will still be paid to DIR. However, the registration fees associated with appointing accredited providers (certificate assessors) will no longer be collected by

DIR. Under this option, the registration and annual service fee will be collected by DET.

Overall, the cost of the proposal is expected at **\$0.87 million** per year (net present value – discount rate 6%) over the next five years. More importantly, Option 3 meets the desired policy objectives. It achieves the aims of the national certification system by embedding the OHS assessment requirements in the VET sector. Option 3 provides a strong basis for a more robust and flexible training framework and aligns training and assessment into the recognised mainstream training framework. It also provides a better form of quality assessment, with minimal costs expected for the industry (see Table 3 for a comparison between Options 1 and 3). Under Option 3, assessors are required to operate according to the AQTF, assuring a higher standard of assessment quality. Although there are costs involved with requiring certified assessors to meet a higher standard (i.e. valuable assessors leaving the industry), better assessment quality could lead to reductions in workplace incidents. For these reasons, Option 3 is the preferred option.

Summary

This RIS proposes a regulatory amendment to transfer the certificate assessments for prescribed occupations from accredited providers (certificate assessors) to the RTOs, within the VET sector. Registered Training Organisations operate within a nationally transparent set of guidelines underpinned by the AQTF. The legislative intent of this proposal is that it will achieve the policy objectives by embedding OHS competencies within the VET system to achieve a single, quality and structured assessment framework. This will contribute to the policy objectives by removing conflicting government requirements for the certificate assessments of prescribed occupations, which create unnecessary duplicative costs and complexities for government, industry and training organisations. As certificate assessors will have to meet a higher standard under Option 3, better assessments are likely to arise, contributing to OHS outcomes.

Accordingly, this RIS does not aim to introduce additional legislative provisions or put any further legislative requirements on employers than what already exist in the legislation. Proposed operators in prescribed

occupations are still required to be assessed, but the assessment process will occur through RTOs instead of accredited providers (certificate assessors).

There are many issues involved with the national certification standard and guidelines, which is currently undergoing national review. This RIS does not address all of these issues but focuses on the movement of the assessment regime from accredited providers (certificate assessors) to the VET sector. In addition, the proposal requires self-erecting tower cranes to be assessed under a self-erecting tower crane criteria rather than tower cranes (current arrangement).

In evaluating the benefits and disadvantages of the proposed regulatory amendment, the proposed changes have been evaluated against the options of status quo and no regulation. The no regulation option (Option 2) is not the preferred option as the disadvantages outweigh the advantages. In particular, Option 2 could potentially see increases in workplace accidents and injuries, as the industry is required to institute their own method of assessing if people can competently operate high risk equipment and perform high risk tasks. It also does not support the achievement of national or state policy objectives. Status quo (Option 1) has some benefit in relation to transitional costs, however there are significant costs by continuing to marginalise OHS certification and OHS generally from the mainstream industry competencies established through the VET system.

Accordingly, the proposal (Option 3) is the optimum approach to addressing the desired policy objectives and it is deemed to be the most appropriate and effective means of achieving the policy objectives.

*Workers' Compensation and Rehabilitation and Other No. 308, 2005
Legislation Amendment Regulation (No. 1) 2005*

Table 3 Comparisons between Option 1 (status quo) and Option 3 (assessment of prescribed occupations through RTOs).

<i>Stakeholder</i>	<i>Option 1: status quo</i>	<i>Option 3: Assessment of prescribed occupations - RTOs</i>
APPLICANT	<u>Licensing fee</u> <ul style="list-style-type: none"> Authority to work certificate: \$47.10 per class <u>Assessment costs</u> <ul style="list-style-type: none"> Scaffolding, rigging and dogging: av. \$225 Crane and hoist operation: av. \$285 Pressure equipment operation: av. \$400 Loadshifting equipment operation: av. \$125 	<u>Licensing fee</u> <ul style="list-style-type: none"> Authority to work certificate: \$47.10 per class <u>Assessment costs</u> <ul style="list-style-type: none"> Scaffolding, rigging and dogging: av. \$225 Crane and hoist operation: av. \$285 Pressure equipment operation: av. \$400 Loadshifting equipment operation: av. \$125
ACCREDITED PROVIDERS (CERTIFICATE ASSESSORS)	INDEPENDENT RTO	
	<u>Registration fee</u> <ul style="list-style-type: none"> \$404.70 per class (3 year) Certificate: \$47.10 per class (3 year) 	<u>Registration fee</u> <ul style="list-style-type: none"> \$1,200 (5 year period) to become a RTO – extra \$300 for additional scope) <u>Annual service fee</u> <ul style="list-style-type: none"> \$165.00 per annum <u>Establishing AQTF and policies</u> <ul style="list-style-type: none"> \$4000 for AQTF consultant <u>Accredited courses</u> <ul style="list-style-type: none"> \$160 per course
	PARTNERSHIP WITH RTO	
	<u>Registration fee</u> <ul style="list-style-type: none"> \$404.70 per class (3 year) Certificate: \$47.10 per class (3 year) 	<u>Registration fee</u> <ul style="list-style-type: none"> A small fee may be charged by the RTO <u>Administration fee</u> <p>A small fee may be charged by the RTO for processing certificates OR</p> <ul style="list-style-type: none"> \$30 - \$50 per person
	EMPLOYED BY RTO	
	<u>Registration fee</u> <ul style="list-style-type: none"> \$404.70 per class (3 year) Certificate: \$47.10 per class (3 year) 	<u>Registration fee</u> <ul style="list-style-type: none"> Nil
REGULATOR	LEAVE THE INDUSTRY	
	<u>Registration fee</u> <ul style="list-style-type: none"> \$404.70 per class (3 year) Certificate: \$47.10 per class (3 year) 	<ul style="list-style-type: none"> Unemployment (social and financial)
	<u>Auditing</u> <ul style="list-style-type: none"> 6 advisors: \$373,000 per year 	<u>Auditing</u> <ul style="list-style-type: none"> 12 advisors (June 2005 – June 2008) \$746,000 per yr 6 advisors following the transition period: \$373,000 per year

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Appendix 1: Prescribed occupations

1. For crane of hoist operation:
 - a. operator of a tower crane
 - b. operator of a derrick crane
 - c. operator of a portal boom crane
 - d. operator of a bridge or gantry (other than operation by a remote control having not more than 3 powered operations)
 - e. operator of a vehicle loading crane with a capacity of 10 metre tonnes or more
 - f. operator of a non-slewing mobile crane with a capacity of more than 3t

- g. operator of a slewing mobile crane with a capacity of –
 - i. 20 t or less
 - ii. 60 t or less
 - iii. 100 t or less
 - iv. more than 100 t
 - h. operator of a boom type elevating work platform with a boom length of 11m or more
 - i. operator of a mobile truck mounted concrete placing boom with a knuckle boom capable of power operated slewing and luffing
 - j. operator of a materials hoist with a cantilever platform
 - k. operator of a materials or personnel hoist.
2. For load shifting equipment operation:
- a. operator of a bridge or gantry crane – if load being lifted by remote control having not more than 3 powered operations is more than 5 t
 - b. operator of a dozer
 - c. operator of an excavator having an engine capacity of more than 2L
 - d. operator of a forklift truck (other than a pedestrian operated forklift truck)
 - e. operator of a front-end loader having an engine capacity of more than 2L
 - f. operator of a front-end loader/backhoe having an engine capacity of more than 2L
 - g. operator of a grader
 - h. operator of an order picking fork lift truck
 - i. operator of a road roller having an engine capacity of more than 2L
 - j. operator of a scraper.

3. For pressure equipment operation:
 - a. advanced boiler operation
 - b. intermediate boiler operation
 - c. basic boiler operator
 - d. operator of a turbine with a power output of 500kW or more
 - e. operator of a reciprocating steam engine with a piston diameter of more than 250mm.

4. For rigging:
 - a. advanced rigger
 - b. intermediate rigger
 - c. basic rigger.

5. Dogger.

6. For scaffolding from which a person or thing may fall more than 4m:
 - a. advanced scaffolder
 - b. intermediate scaffolder
 - c. basic scaffolder.

Appendix 2: Licence class framework

PRESCRIBED OCCUPATIONS CERTIFICATE CLASSES			
NATIONAL STANDARD (1006)		NATIONAL GUIDELINES (7019)	
CT	Tower crane	LZ	Dozer
CD	Derrick crane	LE	Excavator having engine capacity of more than 2 L
CP	Portal boom crane	LF	Operator of a fork lift truck (other than pedestrian operated)

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CB	Bridge or gantry crane (other than operation by a remote control having not more than 3 powered operations	LB G	Bridge or gantry crane – if load being lifted by remote control having not more than 3 powered operations is 5 t
CV	Vehicle loading cranes with a capacity of 10 m or more	LL	Front-end loader having an engine capacity of more than 2 L
CN	Non-slewing mobile crane with a capacity of more than 3 t	LB	Front-end loader/ backhoe having an engine capacity of more than 2 L
C2	Slewing mobile crane with a capacity of 20 t or less	LO	Order picking fork lift truck
C6	Slewing mobile crane with a capacity of 60 t or less	LS	Skid steer loader having an engine capacity of more than 2 L
C1	Slewing mobile crane with a capacity of 100 t or less		
C0	Slewing mobile crane with a capacity of more than 100 t		
WP	Boom type elevating work platform with a boom length of 11 m or more		
PB	Mobile truck mounted concrete placing boom with a knuckle boom capable of power operated slewing and luffing		
HM	Materials hoist with a cantilever platform		
HP	Materials or personnel hoist		
BB	Advance boiler operator		
BI	Intermediate boiler operator		QUEENSLAND SPECIFIC
BA	Basic boiler operator	LG	Grader
TO	Turbine with a power output of 500 kW or more	LR	Road roller having an engine capacity of more than 2 L
ES	Reciprocating steam engine with a piston diameter of more than 250 mm	LP	Scraper

RA	Advanced rigger	
RI	Intermediate rigger	
RB	Basic rigger	
SA	Advanced scaffolder	
SI	Intermediate scaffolder	
SB	Basic scaffolder	
DG	Dogger	

Appendix 3: Stakeholders consulted

The Department of Industrial Relations and the Department of Employment and Training have established an OHS-VET Queensland Reference Group to facilitate discussion amongst key stakeholders of the issues underpinning the proposed regulatory change. This reference group has representatives from the following organisations:

- Australian Industry Group, Queensland
- Australian Workers' Union, Queensland
- Queensland Council of Unions
- Local Government Association of Queensland
- Civil Contractors Federation, Queensland
- Construction Mining Forestry Energy Union Queensland
- Australian Council for Private Educators and Trainers, Queensland
- Accredited Providers Association of Queensland Inc
- TAFE Queensland
- Construction Training Queensland
- TDT Australia (Queensland)
- Workplace Health and Safety Queensland, Department of Industrial Relations
- Training Division, Department of Employment and Training
- Workplace Health and Safety Board
- Training and Employment Board.

Appendix 4: Comparison of standards

The Australian Quality Training Framework is a quality system that provides a solid foundation for 7019 operators' training and assessment.

This table summarises the differences in coverage between the Australian Quality Training Framework's *Standards for Registered Training Organisations* and ISO9001:2000, the Investors in People (IiP) quality standard and the Australian Business Excellence Framework (ABEF).

✓ Full match	○ Partial match	X Minimal to no match
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Aust	ISO 9001:2000	IiP	ABEF	Recommendations
<p>Standard 1: Systems for quality training and assessment</p> <p><i>The registered training organisation has systems in place to plan for and provide quality training and assessment across all of its operations.</i></p> <p>(Formerly Core Standard C4)</p>	✓	○	X	<p>ISO 9001:2000</p> <p>Covers all evidence requirements of this Standard through ISO Clauses: 4.1, 4.2, 5.5, 6.2, 7.2, 7.5, 8.1, 8.2</p> <p>IiP</p> <p>Partial match to IiP Indicators</p> <p>ABEF</p> <p>Partial match to ABEF Categories</p>
<p>Standard 2: Compliance with Commonwealth, state and/or territory legislation and regulatory requirements</p> <p><i>The registered training organisation ensures that compliance with Commonwealth, state and/or territory legislation and regulatory requirements relevant to its operations is integrated into its policies and procedures and that compliance is maintained.</i></p>	✓	○	○	<p>ISO 9001:2000</p> <p>Covers all evidence requirements of this Standard through ISO Clause 5.1</p> <p>IiP</p> <p>Partial match to IiP Indicator 4</p> <p>ABEF</p> <p>Partial match to ABEF Categories 1 and 2</p>

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Aust	ISO 9001:2000	liP	ABEF	Recommendations
<p>Standard 3: Effective financial management procedures</p> <p><i>The registered training organisation has effective financial management procedures in place.</i></p> <p>(Formerly Core Standard C6)</p>	0	X	0	<p>ISO 9001:2000</p> <p>Clause 5, Management Responsibility, covers this area in general but is not specifically aligned to financial management. This Standards evidence Requirements 3.4 and 3.5 are not covered.</p> <p>Partial match liP</p> <p>No match to the liP Indicators</p> <p>ABEF</p> <p>Partial match to ABEF Category 3</p>
<p>Standard 4: Effective administrative and records management procedures</p> <p><i>The registered training organisation as effective administrative and records management procedures in place.</i></p> <p>(Formerly Core Standard C6)</p>	✓	0	0	<p>ISO 9001:2000</p> <p>Covers all evidence requirements of this Standard through ISO Clause 4.2</p> <p>liP</p> <p>Partial match to liP Indicators 9 and 10</p> <p>ABEF</p> <p>Partial match to ABEF Categories 6 and 7</p>
<p>Standard 5: Recognition of qualifications issued by other registered training organisations</p> <p><i>The registered training organisation recognises the Australian Qualification Framework qualifications and statement of attainments issued by any other registered training organisation.</i></p> <p>(formerly Mutual Recognition Principle No 1)</p> <p><i>To Evidence Requirements 5.1 to 5.3</i></p>	X	0	X	<p>ISO 9001:2000</p> <p>None of the standard's evidence requirements are addressed</p> <p>liP</p> <p>Opinion is a partial match to liP indicators 9 and 10</p> <p>ABEF</p> <p>Opinion is that there is no match to the ABEF categories</p>

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Aust	ISO 9001:2000	liP	ABEF	Recommendations
<p>Standard 6: Access and equity and client service</p> <p><i>The registered training organisation applies access and equity principles and provides timely and appropriate information, advice and support services which assist clients to identify and achieve their desired outcomes.</i></p> <p>(Formerly Standards C3, TD4 and A3)</p>	X	O	O	<p>ISO 9001:2000</p> <p>None of the evidence requirements are addressed</p> <p>liP</p> <p>Partial match to liP Indicators 1 and 4</p> <p>ABEF</p> <p>Partial match to ABEF Categories 1 and 4</p>
<p>Standard 7: The competence of registered training organisation staff</p> <p><i>Each member of the registered training organisation's staff who is involved in training, assessment or client service is competent for the functions they perform.</i></p> <p>(Formerly Standards TD1 and A1)</p>	O	✓	O	<p>ISO 9001:2000</p> <p>Partial match only using ISO Clause 6.2 to address evidence requirements 7.1 and 7.2. Requirements 7.3 and 7.4 are not addressed</p> <p>liP</p> <p>Sufficient Indicators within liP to match the evidence requirements</p> <p>ABEF</p> <p>Partial match to ABEF Categories 1, 4, 5 and 7</p>
<p>Standard 8: Registered training organisation assessments</p> <p><i>The registered training organisation's assessments meet the requirements of the endorsed components of training packages and the outcomes specified in accredited courses within the scope of its registration.</i></p> <p>(Formerly Standards TD3, A2 and Assessment Principles – Appendix 1)</p>	X	X	X	<p>ISO 9001:2000</p> <p>None of the evidence requirements are addressed</p> <p>liP</p> <p>None of the evidence requirements are addressed</p> <p>ABEF</p> <p>None of the evidence requirements are addressed</p>

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Aust	ISO 9001:2000	liP	ABEF	Recommendations
<p>Standard 9: Learning and assessment strategies</p> <p><i>The registered training organisation identifies, negotiates, plans and implements appropriate learning and assessment strategies to meet the needs of each of its clients.</i></p> <p>(Formerly Standards TD2)</p>	O	O	X	<p>ISO 9001:2000</p> <p>Partial match only using ISO Clause 6.3 to address evidence requirement 9.4. Requirements 9.1, 9.2 and 9.3 are not addressed</p> <p>liP</p> <p>Partial match to liP Indicators 8 and 9</p> <p>ABEF</p> <p>None of the evidence requirements are addressed</p>
<p>Standard 10: Issuing AQF qualifications and statement of attainments</p> <p><i>The registered training organisation issues Australian Qualification Framework qualifications and statement of attainments that meet the requirements of the Australian Qualification Framework Implementation Handbook and the endorsed training packages and accredited courses within the scope of its registration.</i></p> <p>(Formerly Standards TD5 and A4)</p> <p><i>To Evidence Requirements 10.1 and 10.2</i></p>	O	X	X	<p>ISO 9001:2000</p> <p>Partial match only using ISO Clause 4.2 to address AQTF Evidence Requirement 10.2. Requirement 10.1 is not addressed</p> <p>liP</p> <p>None of the AQTF Evidence Requirements are addressed</p> <p>ABEF</p> <p>None of the AQTF Evidence Requirements are addressed</p>

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Aust	ISO 9001:2000	IIP	ABEF	Recommendations
<p>Standard 11: Use of national and state/territory logos</p> <p><i>The registered training organisation complies with the requirements for the use of national and state and/or territory logos.</i></p> <p>(New standard incorporating former Marketing Protocol; also parts of Australian National Training Authority Nationally Recognised Training logo document)</p> <p><i>To Evidence Requirements 11.1 to 11.4</i></p>	X	X	X	<p>ISO 9001:2000</p> <p>None of the AQTF Evidence Requirements are addressed IIP</p> <p>None of the AQTF Evidence Requirements are addressed ABEF</p> <p>None of the AQTF Evidence Requirements are addressed</p>
<p>Standard 12: Ethical marketing and advertising</p> <p><i>The registered training organisation's marketing and advertising of training and assessment products and services is ethical.</i></p> <p>(Formerly Core Standard C7)</p> <p><i>To Evidence Requirements 12.1 to 12.5</i></p>	X	X	O	<p>ISO 9001:2000</p> <p>Considered a nil match as only Australian Quality Training Framework evidence requirement 12.2 is matched by ISO Clause 7.5. Requirements 12.1, 12.3, 12.4 and 12.5 are not addressed IIP</p> <p>None of the Australian Quality Training Framework evidence requirements are addressed ABEF</p> <p>Opinion is a partial match to ABEF Category 1</p>

Appendix 5: Licenses registered by occupation 2002 and 2003

Occupation					
Group	Code	Occupation Description	2002	2003	Average
1	DG	Dogger	1882	2103	1993
1	RA	Advanced rigger	146	71	109
1	RB	Basic rigger	987	808	898
1	RI	Intermediate rigger	170	234	202
1	SA	Advanced scaffolder	90	78	84
1	SB	Basic scaffolder	641	740	691
1	SI	Intermediate scaffolder	122	157	140
Sub-total (Group 1)			4038	4191	4115
2	C0	Slewing mobile crane (Any)	55	37	46
2	C1	Slewing mobile crane <= 100tn capacity	54	28	41
2	C2	Slewing mobile crane <= 20tn capacity	300	197	249
2	C6	Slewing mobile crane <= 60tn capacity	129	144	137
2	CB	Bridge/Gantry crane (Any)	170	196	183
2	CD	Derrick crane	58	61	60
2	CN	Non-slewing mobile crane > 3tn capacity	975	979	977
2	CP	Portal boom crane	27	3	15
2	CT	Tower crane	73	51	62
2	CV	Vehicle loading crane >= 10tn	475	447	461
2	HM	Materials hoist with cantilever platform	13	25	19
2	HP	Materials or personnel hoist	83	183	133
2	PB	Truck concrete placing boom	30	81	56
2	WP	Work platform (Boom >= 11m)	4180	4187	4184
Sub-total (Group 2)			6622	6619	6620.5
3	BA	Advanced boiler operator	53	31	42
3	BB	Basic boiler operator	49	46	48
3	BI	Intermediate boiler operator	213	173	193
3	ES	Reciprocating steam engine piston>250mm	12	7	10
3	TO	Turbine with power output >= 500kw	113	98	106
Sub-total (Group 3)			440	355	397.5
4	LB	Backhoe Front-End loader > 2L engine	1871	1583	1727
4	LBG	Bridge/Gantry, 3 power remote control>5t	1849	2035	1942
4	LE	Excavator > 2L engine	2131	2360	2246
4	LF	Fork lift truck -not pedestrian operated	17559	18404	17982

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4	LG	Grader	970	772	871
4	LL	Front-End loader > 2L engine	3362	3204	3283
4	LO	Order picking fork lift truck	423	537	480
4	LP	Scraper	405	291	348
4	LR	Road roller > 2L engine	1304	1355	1330
4	LS	Skid steer loader > 2L engine	3749	3857	3803
4	LZ	Dozer	1552	1243	1398
Sub-total (Group 4)			35175	35641	35408
TOTALS			46275	46806	46541

Appendix 6: Indirect costs of work-related injury and disease

Group	Indirect costs
Employer	Loss of productivity Consequential overtime and cost of over-employment Legal penalties Investigation of incidents and claims Rehabilitation Damage to a machine, tools, or other property or spoilage of material Replacement of equipment and other materials Employee turnover and training costs Cost of retraining
Worker	Medical and rehabilitation Loss of income Loss of future earnings Travel to doctor(s) and the like Expenditures consequential to a new lifestyle Loss of leisure opportunities and general decline in the quality of life of the worker and his or her family Loss of self esteem Reduced social interaction and social status Cost to family members or caring for injured workers

Community Health and medical
Social welfare payments
Inspection and investigation
Rehabilitation
Loss of human capital
Community services
Travel concessions for workers permanently
incapacitated

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Industrial Relations.